

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MASSACHUSETTS NURSES
ASSOCIATION,
Plaintiff,

v.

NORTH ADAMS REGIONAL
HOSPITAL,
Defendant.

Civil Action No. 05-30145-MAP

**DEFENDANT'S MOTION FOR JUDGMENT ON THE PLEADINGS OR, IN THE
ALTERNATIVE, FOR SUMMARY JUDGMENT**

Pursuant to the provisions of Fed. R. Civ. P. 12(c) and 56, Defendant North Adams Regional Hospital (the "Hospital" or the "Defendant") hereby moves for judgment on the pleadings or, in the alternative, for summary judgment. In support of its Motion, Defendant relies upon the Memorandum of Law filed concurrently herewith.

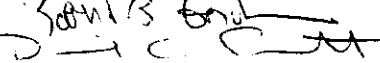
REQUEST FOR ORAL ARGUMENT

Defendant respectfully requests oral argument on this Motion, in accordance with Dist. Ct. R. 7.1(d). As grounds therefor, Defendant submits that oral argument will assist the Court in resolving the issues raised herein.

Respectfully Submitted,

NORTH ADAMS REGIONAL HOSPITAL

By its attorneys,



Robert B. Gordon (BBO #549258)

David C. Potter (BBO #644610)

Ropes & Gray LLP

One International Place

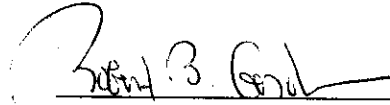
Boston, MA 02110-2624

(617) 951-7000

Dated: July 7, 2005

Rule 7.1 Certification


Pursuant to Local Rule 7.1(A)(2), counsel for Defendant North Adams Regional Hospital have conferred with Plaintiff Massachusetts Nurses Association counsel, Alan J. McDonald and Mark A. Hickernell, concerning this Motion. The parties were unable, in good faith, to resolve or narrow the issues presented in this Motion.



Robert B. Gordon, Esq.

Certificate of Service

I hereby certify that on July 7, 2005, a true and correct copy of the foregoing document was served upon the attorneys of record, Alan J. McDonald, Esq. and Mark A. Hickernell, Esq., McDonald & Associates, Suite 210, Cordaville Office Center, 153 Cordaville Road, Southborough, MA 01772, by Federal Express.



David C. Potter, Esq.